

IN The United States District Court For
The Middle District of Alabama

(Original)

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DEBRA P. HACKETT, CL
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Roy Lee McAteer
Plaintiff

vs.

Bob Riky, et.al.,
Defendants

Case No. 2:07-CV-692-WKW

Motion For Reconsideration
Preliminary Injunction

Comes now, Roy Lee McAteer, the plaintiff in the above styled cause and respectfully moves this Honorable Court for a Reconsideration of its Order of March 31st, 2008 denying Plaintiff's Motion For Preliminary Injunction and in support thereof Plaintiff/Movant presents the following:

1. Plaintiff's original Complaint Doc # 1 contained (4) grounds for relief- Bill of Attainder, Ex Post Facto, Double Jeopardy, and Due Process.
2. Subsequent to the initial filing Plaintiff filed an Motion to Amend, which the Court granted, alleging that ACNA violated the Equal Protection Clause. This Motion was filed on 8-14-07.
3. Subsequent to this Amendment Plaintiff submitted an additional

Amendment of Facts - Date not noted on Plaintiff's Copy - in which he brought additional Grounds for Relief before the Court. These additional Grounds were:

1. CNA violates The Bill of Attainder Clause - Separation of Powers.

2. CNA is basically a Civil Commitment Statute which is being inappropriately applied through the Criminal Justice System which allows the State to Circumvent the Procedural Protections such Statutes require.

3. When Plaintiff filed the Objection To To Recommendation (Doc #25) he proceeded in a manner that he thought appropriate - That is, plaintiff included argument related to the Amended Facts.

4. This Honorable Court has not issued or Recommended any dispositive rationale regarding these Amended Facts.

5. Plaintiff also alleged CNA violates Substantive Due Process

Conclusion

Plaintiff feels that his argument on the Amended Facts is sound and Very Respectfully would request this Honorable Court to Reconsider the Denial of Preliminary Injunctive Relief based on Plaintiff's Amended Facts.

Respectfully Submitted this 9th day of April, 2008.

Roy Lee McAteer
Movant

Certificate of Service

I, Roy Lee McAteer, do hereby certify that I have served a true and correct copy of the foregoing upon the defendants by placing same, postage pre-paid and properly addressed, in the United States Mail.

Done this 9th day of April, 2008.

Roy McAteer
Affiant

Roy McAteer 147346
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Brent, AL 35034

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